

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Joseph Weiss,)
)
)
) No. 16 C 2870
Plaintiff,)
v.)
)
) Judge Edmond E. Chang
)
Google, Inc.)
)
)
Defendant,)

ORDER

Status hearing held in both Rivera v. Google, 16-cv-2714, and Weiss v. Google, 16-cv-2870. The Court and counsel discussed various topics during the status hearing. First, the Court noted the need to notify the Illinois Attorney General of the potential constitutional challenge to the Illinois Biometric Information Privacy Act, 740 ILCS 14/1. See 28 U.S.C. 2403(b) and Fed. R. Civ. P. 5.1. Google presents an alternative argument to the effect that if the Act is interpreted in the way that Plaintiffs allegedly propose, then the Act violates the Dormant Commerce Clause. See Case No. 16-cv-2714, R. 34 at 15-19. The Court shall distribute this entry to the Attorney General's Office as follows: (a) by U.S. mail to Attorney General Lisa Madigan, 100 West Randolph Street, Chicago, IL 60601, and to Solicitor General Carolyn Shapiro at the same address; and (b) via email to Solicitor General Carolyn Shapiro at cshapiro@atg.state.il.us. Second, as discussed during the status hearing, Plaintiffs will not object to the defense later raising a California choice-of-law argument as to Plaintiff Weiss later in the litigation. Third, Plaintiffs' response to the dismissal motion is due by 06/01/2016. The defense reply is due by 06/17/2016. Fourth, in order to avoid duplicative filings, and because the Rivera proposed class is a subset of the Weiss proposed class, the Clerk's Office shall terminate 16-cv-2870 and place the complaint in that case (R. 1) on the docket in 16-cv-2714 as another Complaint in 16-cv-2714. Plaintiffs' response will be in one filing on just the one docket (16-cv-2714), and the same goes for the defense reply and all future filings. Status hearing is set for 06/23/2016 at 10:30 a.m.

/ s/Edmond E. Chang
Honorable Edmond E. Chang
United States District Judge

DATE: May 24, 2016